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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,057	05/23/2001	Mark Bernard Hettish	2001 P 09461 US	1986

7590 11/02/2004

Siemens Corporation  
Attn: Elsa Keller, Legal Administrator  
Intellectual Property Department  
186 Wood Avenue South  
Iselin, NJ 08830

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT PAPER NUMBER

2642

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/864,057	<b>Applicant(s)</b> HETTISH, MARK BERNARD	
	<b>Examiner</b> Rasha S AL-Aubaidi	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 16-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 16-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 1-10 and 16-25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Daniel, III et al (US PAT # 4,972,453) in view of the admitted prior art.

Regarding claim 1, Daniel teaches a PBX switch (reads on 114 and 105 in Fig 1), a computing platform coupled by the control interface for controlling CSTA protocols to the PBX switch (this may read on computer 122, see Fig. 1, col.3, lines 19-27); and component based interface objects running on said computing platform (this may read on the expert system that invokes testing procedure, see abstract), said component based interface objects defines properties, methods, and events, said properties, methods and events being mapped to provide diagnostic (see col.2, lines 25-30) and statistical information.

Daniel does not specifically teach the use of a control interface for controlling CSTA protocols. However, this feature is old and well known as admitted by applicant specification page 3, lines 1-3.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well-known CSTA protocol in Daniel because using an old and available protocol such as the CSTA protocol does not rise to the level of patentability.

Claim 16 is rejected for the same reasons as discussed above with respect to claim 1.

Regarding claims 2 and 17, Daniel teaches determines the number of fault and errors (see col. 17, lines 33-43).

Regarding claims 3 and 18, Daniel teaches diagnostics information is tabulated on the incoming and outgoing link (this simply reads on checking the status of all calls incoming and outgoing, see col.2, lines 43-50).

Regarding claims 4 and 19, Daniel teaches said diagnostic and statistical information are displayable via an ActiveX property page (this reads on block 211 in Fig.2 and col.6, lines 52-58).

Regarding claims 5 and 20, mapping more and more events in the PBX does not distinguish the claims from Daniel.

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Regarding claims 6 and 21, said component based interface objects is ActiveX (this is admitted prior art, see application specification page 3, lines 3-4).

Regarding claims 7 and 22, ActiveX (this is admitted prior art, see application specification page 3, lines 3-4) properties are mapped to session configuration (this is obvious).

Regarding claims 8 and 23, ActiveX (this is admitted prior art, see application specification page 3, lines 3-4) includes properties are mapped to session configuration (this is obvious).

Regarding claims 9 and 24, ActiveX methods and events are mapped to startup and teardown a connection to the PBX switch. Daniel teaches Decision block 709 checks a number of special situations where stable calls could be dropped or disconnected if the diagnostic portion of PROC 620 is executed, (see co1.10, lines 41-52).

Regarding claims 10 and 25, substantially all CSTA and private data fields are supported (CSTA protocol is old and well-known as admitted in Daniel's specification).

### ***Response to Arguments***

4. Applicant's arguments have been fully considered but they are not persuasive.

Regarding applicant's argument, which states that "Daniel is directed to an expert system for maintaining remote computer systems" this differs from the claimed invention that is directed to CSTA connected to a local PBX" Applicant's argument regarding "local connection of CSTA to a PBX" can not be found in the claims . Therefore, it seems that applicant is reading limitations into the claims.

Also, for applicant's argument that the combination of Daniel and CSTA is not properly motivated, it is further noticed that applicant is presenting individual arguments regarding Daniel's reference without looking at the combination of the rejection as a whole.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The motivation to use an old and available protocol such as CSTA is obvious. Instead of creating and testing a new protocol, simply use an old, existing and tested protocol, which is convenient and economical.

Other applicant arguments are addressd in the above rejection.

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**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (703) 605-5145. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:30 Pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Examiner

Rasha Al-Aubaidi

10/19/2004

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
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